

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1096
OFFERED BY MS. BASS OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Represent America
3 Abroad Act of 2021”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) As the United States becomes more racially
7 and ethnically diverse, the Department of State and
8 the United States Agency for International Develop-
9 ment (USAID) must continue to invest in policies to
10 recruit, retain, and develop the best and brightest
11 from the full spectrum of American society in order
12 to be better positioned to advance United States in-
13 terests abroad.

14 (2) Foreign Service officers are America’s face
15 to the world. Thus, the workforce must represent the
16 United States commitment to inclusion and diversity
17 in order to effectively advance American values on
18 the world stage.

1 (3) The Department of State and USAID must
2 embrace policies that recruit professionals from the
3 broadest possible pool of talent and retain them in
4 order to significantly increase diversity in the For-
5 eign Service. Timely action to increase diversity at
6 the mid-levels is crucial, as it takes approximately
7 nine years for an entry level Foreign Service officer
8 (class 6, 5, 4) to rise to the mid-ranks of the For-
9 eign Service (class 3, 2, or 1).

10 (4) February and June 2020 reports by the
11 Government Accountability Office found barriers to
12 a diverse and inclusive workforce within the ranks of
13 the Foreign Service, especially at the mid-career and
14 senior levels. Individuals who are racial or ethnic mi-
15 norities comprise only 24 percent at the Department
16 of State and 27 percent at USAID. At the executive
17 level, individuals who are racial or ethnic minorities
18 comprise only 13 percent at the Department of
19 State and 17 percent at USAID. This means that
20 the leadership is the least diverse level within the
21 Foreign Service.

22 (5) In the past, Secretaries of State have ac-
23 knowledged the lack of workforce diversity and
24 pledged to take concrete steps to address the prob-
25 lem. In 2017, then-Secretary of State Rex Tillerson

1 recognized a great diversity gap in the Department
2 of State and former Secretary of State John Kerry
3 noted that in order to represent the United States,
4 the Department of State must have a workforce that
5 reflects the rich composition of its citizenry. Yet
6 there has been no concrete plan to address the lack
7 of diversity at the mid-career and senior levels.

8 (6) USAID has previously identified under-rep-
9 resentation of specific groups in its workforce, but
10 staffing gaps, partly due to a lack of senior leader-
11 ship attention, prevent the agency from adequately
12 addressing the issue.

13 (7) Congress authorized the creation of a 3-year
14 lateral entry pilot project under section 404 of the
15 Department of State Authorities Act, Fiscal Year
16 2017 (Public Law 114-323; 130 Stat. 1928) to
17 bring highly qualified individuals with special skills,
18 which the Department may lack, into the Foreign
19 Service at the mid-career level. Such a project would
20 not only allow the Foreign Service to supplement its
21 work force with those possessing complementary and
22 needed skills, but it would also serve as an avenue
23 to diversify the mid-level and senior ranks of the
24 Foreign Service. Yet, more than three years later,
25 the Department has failed to comply with the law.

1 **SEC. 3. DECLARATION OF NATIONAL INTEREST; STATE-**
2 **MENT OF POLICY.**

3 (a) DECLARATION OF NATIONAL INTEREST.—Con-
4 gress declares that it is in the national interest of the
5 United States to ensure that the members of the United
6 States Foreign Service workforce be representative of the
7 American people.

8 (b) STATEMENT OF POLICY.—It shall be the policy
9 of the Department of State and of the United States
10 Agency for International Development—

11 (1) to strengthen the Foreign Service workforce
12 by bolstering the diversity of those who represent
13 Americans abroad;

14 (2) to treat the people of the Foreign Service
15 as its primary asset, and as such, hold as a central
16 tenet making strides in increasing minority represen-
17 tation at all levels of the Foreign Service workforce
18 to secure the country's national interests; and

19 (3) in accordance with the Foreign Service Act
20 of 1980, to attract highly qualified, mid-career pro-
21 fessionals who are also American minorities, through
22 a pathway program for entry into the Foreign Serv-
23 ice.

24 **SEC. 4. AUTHORIZATION.**

25 (a) MODIFICATION OF LATERAL ENTRY FOREIGN
26 SERVICE PROGRAM.—Section 404 of the Department of

1 State Authorities Act, Fiscal Year 2017 (Public Law 114–
2 323; 130 Stat. 1928) is amended as follows:

3 (1) In subsection (a)—

4 (A) by striking “It is the sense of Congress
5 that the Foreign Service” and inserting the fol-
6 lowing: “It is the sense of Congress that—

7 “(1) the Foreign Service”;

8 (B) by striking the period at the end and
9 inserting “; and”; and

10 (C) by adding at the end the following:

11 “(2) the lateral entry pilot program authorized
12 under this section should be an avenue for the For-
13 eign Service to diversify its mid-level ranks by in-
14 cluding applicants from traditionally under-rep-
15 resented groups in terms of racial, ethnic, and gen-
16 der diversity, and disability status.”.

17 (2) By redesignating subsections (c) and (d) as
18 subsections (d) and (e), respectively.

19 (3) By inserting after subsection (b) the fol-
20 lowing:

21 “(c) PROGRAM REQUIREMENTS.—The program au-
22 thorized under subsection (b) shall be implemented not
23 later than 60 days after the date of the enactment of this
24 subsection, and the Secretary shall—

1 “(1) ensure that not less than 50 percent of
2 program participants per year are placed in the For-
3 eign Service; and

4 “(2) include recruitment outreach for program
5 participation to—

6 “(A) diversity officers in the private sector;

7 “(B) all members of the Department’s civil
8 service and recognized Department affinity
9 groups;

10 “(C) the civil service of other national se-
11 curity related Federal agencies; and

12 “(D) professional associations.”.

13 (b) IN GENERAL.—Not later than 180 days after the
14 date of the enactment of this Act, the Secretary of State
15 shall establish a program, which shall be known as the
16 “Represent America Mid-Career Foreign Service Entry
17 Program” (in this section referred to as the “Program”),
18 to be administered jointly by the Director General of the
19 Foreign Service, the Director of Global Talent Manage-
20 ment of the Department of State, and the Chief Human
21 Capital Officer of the Office of Human Capital and Talent
22 Management of the United States Agency for Inter-
23 national Development, to identify, attract, and welcome
24 into the Foreign Service mid-career professionals who are
25 from minority groups.

1 (c) ELEMENTS OF PROGRAM.—

2 (1) PROGRAM REQUIREMENTS.—The Secretary
3 of State shall carry out the following with respect to
4 the Program:

5 (A) Establish and publish eligibility cri-
6 teria for candidates to participate in the Pro-
7 gram.

8 (B) Carry out countrywide recruitment ef-
9 forts to attract highly qualified, mid-career pro-
10 fessionals from minority groups, such as at and
11 through the following:

12 (i) Community agencies and organiza-
13 tions.

14 (ii) Faith-based organizations.

15 (iii) Community events.

16 (iv) Professional associations.

17 (v) Colleges and universities, including
18 historically Black colleges and universities
19 and other minority-serving institutions
20 such as Hispanic-serving institutions,
21 Asian American and Native American Pa-
22 cific Islander-serving institutions, Amer-
23 ican Indian Tribally controlled colleges and
24 universities, Alaska Native and Native Ha-
25 waiian-serving institutions, Tribal colleges

1 and universities, Predominantly Black In-
2 stitutions, and Native American-serving,
3 Nontribal institutions.

4 (vi) Diplomats in residence.

5 (vii) Job fairs.

6 (viii) Newspaper/magazines/journals.

7 (ix) Radio stations and programs.

8 (x) Websites, webcasts, podcasts, and
9 other online channels.

10 (C) Recruit eligible candidates for the Pro-
11 gram.

12 (D) Develop a structured program that in-
13 cludes as part of the initial training, a class or
14 module that specifically prepares participants
15 for life in the Foreign Service, including con-
16 veying to such participants essential elements of
17 the practical knowledge that is normally ac-
18 quired during a Foreign Service Officer's initial
19 assignments.

20 (E) Include appropriate mentorship and
21 other career development opportunities, such as
22 leadership training, for Program participants.

23 (2) OVERALL QUALIFICATIONS.—In recruiting,
24 training, and assigning members of the Program,
25 the Secretary of State should seek highly qualified

1 minority individuals who are mid-career profes-
2 sionals—

3 (A) with diverse work experience who have
4 capabilities, insights, techniques, and experi-
5 ences that would serve to enrich the Foreign
6 Service workforce and empower it to perform
7 more effectively;

8 (B) with demonstrated knowledge of, expe-
9 rience with, and interest in United States for-
10 eign policy and national security and inter-
11 national affairs, including knowledge of the af-
12 fairs, cultures, and languages of other coun-
13 tries;

14 (C) with demonstrable leadership skills and
15 the potential for further growth;

16 (D) that demonstrate a track record of col-
17 laboration, team-building, and stakeholder man-
18 agement skills;

19 (E) with demonstrated capacity for critical
20 thinking and analytical skills, including the
21 ability to synthesize information into clear and
22 concise recommendations;

23 (F) with strategic thinking, and ability to
24 solve complex problems;

1 (G) with flexibility, adaptability, and deter-
2 mination; and

3 (H) who are United States citizens with
4 worldwide service availability and who are able
5 to obtain appropriate security and medical
6 clearances.

7 (d) **ADVANCEMENT FROM PROGRAM.**—Candidates
8 who are accepted into the Program in accordance with the
9 qualifications and requirements of this section shall have
10 the opportunity to advance to the Foreign Service oral as-
11 sessment for potential entry as the appropriate class of
12 mid-level Foreign Service officer in accordance with the
13 candidate’s professional qualifications.

14 (e) **MID-CAREER PROFESSIONAL DEFINED.**—For
15 purposes of the Program, the term “mid-career profes-
16 sional” means an individual who has the skills and experi-
17 ence to serve as a mid-level Foreign Service officer (class
18 3, 2, or 1) and who meets any of the following criteria,
19 consistent with the merit-based principles and core pre-
20 cepts set forth in the Foreign Affairs Manual and Hand-
21 book and in accordance with applicable requirements of
22 the Foreign Service Act of 1980:

23 (1) An individual with at least eight years of
24 professional experience and a bachelor’s degree from
25 an accredited college or university in selected fields

1 of study representing the needs of the Department
2 of State, including public policy, public administra-
3 tion, international law, international relations, polit-
4 ical science, foreign languages, business administra-
5 tion, economics, history, sociology, geography, social
6 or cultural anthropology, statistics, or the human-
7 ities.

8 (2) An individual with at least seven years of
9 professional experience and a master's degree from
10 an accredited college or university in selected fields
11 of study representing the needs of the Department
12 of State, including any field specified in paragraph
13 (1).

14 (3) An individual with at least five years of pro-
15 fessional experience and doctoral degree from an ac-
16 credited college or university in selected fields of
17 study representing the needs of the Department of
18 State, including any field specified in paragraph (1).

19 (f) REPORTS.—

20 (1) INITIAL REPORT.—Not later than 180 days
21 after the date of the enactment of this Act, the Sec-
22 retary of State shall submit to the Committee on
23 Foreign Affairs of the House of Representatives and
24 the Committee on Foreign Relations of the Senate
25 a report on a plan to establish the Program.

1 (2) ANNUAL UPDATE.—Not later than one year
2 after the submission of the report required under
3 paragraph (1) and annually thereafter, the Secretary
4 of State shall submit to the Committee on Foreign
5 Affairs of the House of Representatives and the
6 Committee on Foreign Relations of the Senate a re-
7 port on the status of the Program. Each such report
8 shall include the following information with respect
9 to the previous year:

10 (A) The number of candidates approved
11 for the Program.

12 (B) The number of candidates who began
13 participating, including anonymized information
14 on such candidates' backgrounds with respect
15 to education and prior work experience and
16 grade level at which the candidate entered the
17 Foreign Service.

18 (C) A breakdown of the number of partici-
19 pants recruited into and advancing from the
20 Program by ethnicity and sex.

21 (D) A disaggregation by Foreign Service
22 cone and post or mission (including identifying
23 whether the post is hard-to-fill) assigned to
24 each participant advancing from the Program.

1 (E) Program attrition rates and retention
2 data, including information on how such data
3 compares to the data reported in the most re-
4 cent prior submission of such report.

5 (F) Information on recruiting efforts for
6 the Program, including an outreach strategy
7 detailing resources allocated to outreach, as well
8 as where, how, and when outreach will be car-
9 ried out.

10 (G) Information on efforts to improve the
11 efficacy of the Program and promote retention
12 of Program participants.

